

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

KAREN READ.

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* Docket No. 2282CR00117

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BEFORE THE HONORABLE BEVERLY CANNONE
WEDNESDAY, MAY 22, 2024
TESTIMONY OF MARIETTA SULLIVAN

APPEARANCES:

For the Commonwealth:

BY: ADAM LALLY, A.D.A.
LAURA MCLAUGHLIN, A.D.A.

For the defendant:

BY: DAVID YANNETTI, ESQ.
ALAN JACKSON, ESQ.
ELIZABETH LITTLE, ESQ.

Dedham, Massachusetts
Room 25

Christine D. Blankenship, CVR
Court Reporter/Transcriber

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Marietta Sullivan				
(By Mr. Lally)	7			
(By Mr. Yannetti)		25		

Exhibits:

Page:

None

1 (Court in session.)

2 (Defendant is present with counsel.)

3 (Jury in.)

4 THE COURT: Your next witness, Mr. Lally?

5 MR. LALLY: Yes, your Honor, the Commonwealth calls Ms.
6 Marietta Sullivan.

7 THE COURT: Counsel, I'll see you while we're waiting
8 for this witness.

9 (Sidebar commences:

10 THE COURT: All right. For some reason, I thought she
11 had witnessed the scene with Ms. Read.

12 MR. LALLY: No.

13 THE COURT: So I have a bad acts instruction. I'll
14 give it when Ms. Sullivan. Does Ms. Sullivan testify?

15 MR. YANNETTI: Yes, so I objected to a lot of the
16 foundational evidence because it's just not relevant to
17 this case, and to her relationship with John and everything
18 that's, you know, happened in the relationship going back
19 to 2013 is too attenuated to go into, so I'd just like a
20 standing -- if the Court is going to allow that evidence
21 in, I'd like a standing objection so I don't have to keep
22 standing up to object to all this background material.

23 THE COURT: What do you say, Mr. Lally?

24 MR. LALLY: Well, I mean, as it pertains to this
25 witness, it's -- I mean, obviously that personally affected

1 and that's how she knew John O'Keefe, so I think it is
2 relevant and material. And as far as this witness is
3 concerned, it's really more of just what the relationship
4 was. So do I need to -- I don't plan on asking a bunch of
5 questions about her nephew or his father. It's more just
6 sort of how did you know John O'Keefe.

7 THE COURT: And I let it in through the other witness
8 to show that they were close enough that he would talk to
9 her, too. It was relevant material. Okay. That's why I
10 let the evidence in. All right. So object question by
11 question. I don't see there's any need for you to get into
12 the depth of the relationship with this witness who's the
13 other, but you want the bad acts instruction --

14 MR. YANNETTI: They've heard it, like, three times. Do
15 you want the jury to hear?

16 MR. JACKSON: I actually like it because it's
17 appropriate.

18 THE COURT: Well, that's why I gave it.

19 MR. JACKSON: I think with this witness it's
20 especially --

21 MR. YANNETTI: Yeah, because this is the actual act.

22 THE COURT: All right. I thought her sister had seen
23 this and was going to testify about that.

24 MR. JACKSON: No.

1 THE COURT: All right. So I'll give the same
2 instruction, and either you let me know, Mr. Lally, or you
3 let me know, Mr. Yannetti.

4 MR. YANNETTI: Okay.

5 MR. LALLY: Your Honor, if I could, just one last thing
6 as far as scheduling, this is the last witness I have
7 today. The next witness will be Mr. Higgins, and given the
8 hour, I don't know if it makes sense. He's not here. I
9 didn't anticipate that we were --

10 MR. JACKSON: You don't think you can get him done
11 today?

12 MR. LALLY: Probably not. Probably not.

13 THE COURT: Okay. Well, this is the first time in this
14 entire trial that we've finished the witnesses for the day.
15 We're not there yet, but I don't have a problem with that.
16 It'll be minutes. Let's try and finish this witness.

17 MR. YANNETTI: Oh, I think we have a good track record
18 for the last three witnesses, don't you?

19 MR. JACKSON: Since we've got a quick second, can I put
20 something on the record?

21 THE COURT: Of course you can.

22 MR. JACKSON: That's a little out of -- it's a little
23 personal.

24 I'm planning on going back to see my partner on Friday.
25 Unless Mr. Lally -- and I'm not pressing anything, I'm not

1 asking for any special dispensation, but unless Michael
2 Proctor or Higgins is on the stand on Tuesday, I was going
3 to ask the Court leave so that I could absent myself and
4 not have to come back for the one day.

5 THE COURT: Sure.

6 MR. JACKSON: If it's going to be Higgins or Proctor,
7 I'll be here.

8 THE COURT: I don't have a problem with that. Do you
9 think you'll finish Higgins on Friday in one day?

10 MR. LALLY: I will, yeah.

11 THE COURT: Do you think you'll finish?

12 MR. JACKSON: I think I have a solid three to four for
13 cross based on what -- my outline is a little shorter and a
14 little pippier, but it'll be three hours. So it depends on
15 the direct.

16 MR. LALLY: I anticipate the direct will roughly be an
17 hour and a half.

18 MR. YANNETTI: Well, you've got five and a half hours.
19 So if we're low on time.

20 THE COURT: I have no problem with you being out on
21 that day.

22 MR. JACKSON: Thank you. I appreciate it.
23 end of sidebar.)

24 THE COURT: Could we have Ms. Sullivan, please.

25 MARIETTA SULLIVAN-SWORN

1 THE COURT: All right, Mr. Lally, whenever you're
2 ready.

3 DIRECT EXAMINATION

4 BY MR. LALLY:

5 Q Good afternoon, ma'am.

6 A Good afternoon.

7 Q Could you please state your name and spell your last
8 name for the record.

9 A Sure. My name is Marietta Sullivan, last name is
10 S-u-l-l-i-v-a-n.

11 Q And where do you live, ma'am?

12 A Right now I live in Plymouth.

13 Q And how long have you lived in Plymouth?

14 A Since July of the past summer, so not even a year yet.

15 Q Do you work, ma'am?

16 A I do.

17 Q And what do you do for work?

18 A I'm a director at a memory care community.

19 Q And how long have you been doing that?

20 A Just over a year.

21 Q Now, do you have any siblings?

22 A I do.

23 Q Okay, and how many siblings do you have?

24 A I have two.

25 Q Older? Younger?

1 A Both older.

2 Q And brother? Sister?

3 A A brother and sister.

4 Q And your sister, what is her name?

5 A Laura Sullivan.

6 Q What is sort of the age difference between yourself and
7 your sister, Laura?

8 A We are ten years apart.

9 Q Now, if I could turn your attention to New Year's and
10 specifically 2021 into 2022, do you recall that timeframe?

11 A I do.

12 Q And do you recall where it was that were you, where you
13 were going at that time?

14 A Yes, sir. We were going to Aruba for a family trip.

15 Q Is that sort of an annual family trip?

16 A It has become since then. It was the first time I had
17 attended.

18 Q Do you recall sort of the timeframe on that trip as far
19 as when you were leaving, when you were coming back?

20 A So we left on Friday, the 31st and we returned the next
21 week, Friday the 7th.

22 Q And when you say we, who is we?

23 A My mother and I flew out together with another group of
24 people to meet my sister and brother-in-law down in Aruba.

1 Q At that time to meet them down there, as to your
2 sister, Laura, had she flow down prior to you?

3 A She had, yes.

4 Q At that particular time, were you dating someone?

5 A I was. I was seeing somebody, yes.

6 Q And the person you were seeing was that person coming
7 on the trip, as well?

8 A He was, yeah, the day after we got there.

9 Q So your sister arrives on the 30th, you arrive on the
10 31st and the person you were seeing arrives on the 1st?

11 A Yes.

12 Q Now when you arrived there do you know about how many
13 people were on this trip?

14 A I would say over 30, upwards of, yeah, I would say over
15 30 is the best estimate I could give you.

16 Q And as far as this trip was concerned do you recall
17 where you stayed?

18 A Yup, we stayed at the Renaissance Aruba.

19 Q Is that somewhere that you stayed on this occasion as
20 well as subsequent occasions?

21 A Yes.

22 Q On the 31st when you and your mother arrive, do you
23 recall about what time of day it was that you got there?

24 A So our flight landed around 3:30-ish. I would say
25 weren't at the hotel much later than that.

1 Q With regard to the hotel, the hotel has a lobby area,
2 is that correct?

3 A Yes, sir.

4 Q Can you describe to the jury sort of what does that
5 layout look like, what does the lobby look like?

6 A Sure, so right when you walk in the front doors right
7 in front of you is the check-in desks, three or four of
8 them in front of you. To the left of you when you come in
9 is a hallway to one side of the hotel. To the right of you
10 is a bank of elevators that leads to another hallway that
11 leads to the other first floor side of the hotel.

12 You're in a big lobby, and then directly across
13 from where the elevators are is the entrance to the pool
14 area.

15 Q When you arrived there at some point in time in the
16 late afternoon of the 31st, you obviously check into your
17 room?

18 A Uh-huh.

19 Q And then following that, where do you go from there?

20 A So we checked into our room and then happy hour was
21 starting around 4:30, so we met everybody down at the pool
22 for that time.

23 Q Is there a bar in that area of the pool?

24 A Yes, pool bar.

1 Q So when you get down to the pool bar area, who, if
2 anyone, specifically did you see or did you run into?

3 A So first ran into my sister, gave her a hug, the rest
4 of the kids and my brother. As soon as I got into the pool
5 I ran into Johnny and a couple of our other friends that
6 were sitting at the pool bar down there.

7 Q With reference to who you refer to as Johnny, what's
8 his last name?

9 A John O'Keefe.

10 Q That was someone that you knew at the time, is that
11 correct?

12 A Yes.

13 Q And how did you know Mr. O'Keefe?

14 A He was a very, very dear family friend. He was very
15 close to my sister, subsequently became very close to me
16 and my family as a result, and he was my nephew's
17 godfather.

18 Q Fair to say that you had known him for some substantial
19 period of time?

20 A Yeah, since (C)'s father, unfortunately, passed away.

21 Q So, at this point in time when we're talking about,
22 turning from 2021 to 2022 how long had you known Mr.
23 O'Keefe at that point?

24 A Probably about eight, nine years, just as long as my
25 nephew has been alive.

1 Q When is it that you would see, or how often would you
2 see Mr. O'Keefe?

3 A Family parties. Any family party that we threw, kids
4 birthday parties and my sister's Christmas party that she
5 would throw every year.

6 Q How would you describe sort of the nature of your
7 relationship with Mr. O'Keefe?

8 A He was similar to a big brother to me. He was somebody
9 who was there for my sister during her darkest times so I
10 really respected him for that but yeah, he was a big
11 brother and a family friend.

12 Q Now, when you saw Mr. O'Keefe at the pool bar after you
13 arrived there what if any conversation did you have with
14 him or what, if anything, were the two of you doing around
15 that time?

16 A So I went up to him in the pool. He had his Alabama
17 hat on. He expressed to me that he was excited to watch
18 the Alabama football game at the pool bar.

19 Given the circumstances, we were in a beautiful
20 tropical place and he got to watch his favorite college
21 team play football, and he said that's all he really wanted
22 to do for the day was to be able to watch that game.

23 Q Now, at this point in time that you're talking to Mr.
24 O'Keefe were you aware of him dating anybody, had you met
25 anybody that he was dating at that time?

1 A I had not met the person that he was dating. I had
2 heard about her through family friends and other people
3 that were on the trip.

4 Q So as far as the other sort of family events that you
5 would see Mr. O'Keefe at Ms. Read or his girlfriend at that
6 time wasn't there with him?

7 A No.

8 Q So after the time that you spent at the pool bar that
9 afternoon, do you recall what else you did that evening?

10 A Yup, so most of us in the group had dinner
11 reservations. I believe they were around 7:00 p.m. and we
12 were all getting ready to leave the pool bar to get picked
13 up around 6:30.

14 Q And as far as, a fairly large group that went out to
15 dinner that night?

16 A Yeah, most of us.

17 Q And was Mr. O'Keefe part of that group that went out to
18 dinner?

19 A He was not.

20 Q Do you recall about what time it was that you got back
21 or returned to the hotel?

22 A Most of us got back a little after 9:00. Taxis were
23 kind of crazy to get so a little after 9:00.

24 Q And when you got back to the hotel where did you go?

1 A I went upstairs to check on my mom. She had gone in a
2 bank of taxis before me, so I went upstairs to make sure
3 that she was up there and safe and in the room.

4 Q And so however long you spent up in the room with your
5 mother, at some point did you come back down?

6 A I did.

7 Q When you came back down, by down, do you recall where
8 you were staying in the hotel?

9 A Yup, so we were on the fourth floor of the hotel so I
10 took the elevator up and then I took it back down to the
11 lobby.

12 Q And at that point in time when you're getting back from
13 dinner and going up to the room and coming back down, were
14 you aware of where Mr. O'Keefe and his niece and nephew
15 were staying?

16 A Yeah, I knew where they were staying, yes, room-wise,
17 yes.

18 Q And where was that in relation to the lobby?

19 A First floor.

20 Q So the lobby is on the first floor, their rooms are on
21 the first floor?

22 A Yes.

23 Q So when the elevator gets down to the lobby level you
24 get out, is that correct?

25 A Uh-huh.

1 THE COURT: Is that a yes?

2 THE WITNESS: Yes, sorry.

3 Q You just have to answer yes or no for the record.

4 A Yes, sorry.

5 Q That's okay. So, the elevator gets down to the lobby,
6 you walk out. Who, if anyone, do you see when you come
7 out?

8 A So, when the elevator opens up the first person I saw
9 was the attendant standing behind the desk. I didn't see
10 anybody else in the lobby with me until I stepped out.

11 When I stepped out, I looked to my left and I saw
12 Johnny coming in through the first set of outside doors.

13 Q Now, as far as Mr. O'Keefe was concerned, was there any
14 other sort of term that you would use to refer to him?

15 A Johnny or Godfather.

16 MR. LALLY: Your Honor, I think this may be the
17 appropriate time.

18 THE COURT: All right. So, folks, I'm going to
19 say again, that first instruction I gave you with the last
20 witness that you're about to hear testimony about certain
21 conduct or behavior allegedly committed by the defendant.

22 Ms. Read is not charged with committing any crimes
23 other than those charged within the indictment so this
24 witness' testimony may not and must not be considered by
25 you as any evidence that the defendant has a bad character

1 or is evidence that she may have a propensity to commit the
2 crimes with which she has been charged.

3 You may not take the defendants prior acts that
4 you'll hear about as a substitute for proof that the
5 defendant committed the crimes charged here, but you may
6 consider the acts solely on the limited issue of the
7 defendant's state of mind and the nature of her
8 relationship with John O'Keefe as it might go to motive or
9 intent.

10 You may not consider this evidence for any other
11 purpose. Specifically, you may not use it to conclude that
12 if the defendant committed these acts that she must also
13 have committed the offenses with which she's been charged.

14 You can only use the evidence for the limited
15 purpose of how it goes to the defendant's state mind,
16 motive, and the nature of her relationship with John
17 O'Keefe. And for the same findings that made at side bar.

18 MR. LALLY: May I proceed, your Honor?

19 THE COURT: Yes.

20 MR. LALLY: Thank you.

21 Q So you walk out of the elevator, you're by yourself,
22 correct?

23 A Uh-huh; Yes.

24 Q And you see Mr. O'Keefe, did you see where Mr. O'Keefe
25 was in relation to the lobby or where he was coming from?

1 A He was coming from the outside doors into the lobby.

2 Q And is that where the pool bar is located?

3 A Opposite side.

4 Q Opposite side?

5 A Yes.

6 Q Okay. And when you see him come in, who, if anyone,
7 did you see with him, initially?

8 A Nobody with him.

9 Q What, if anything, was he doing or how was he acting
10 sort of when he came in?

11 A So he sort of stumbled in. I came out of the elevator
12 and my initial response to him was, Woah, are you okay? I
13 actually said, Woah, Godfather, are you okay? But yeah, he
14 was stumbling into the lobby.

15 Q And did you go over to him at that point?

16 A I did. I went up to him and I gave him a hug.

17 Q What happened then?

18 A I pulled back. He was glassy eyed looking above me.
19 We never made eye contact. He was looking above me. It
20 looked like he was looking for someone.

21 I asked him, where are you going, assuming that he
22 would be coming to the pool bar to meet us. He kept
23 looking around and he indicated that he was going that way,
24 and pointed toward a bank of rooms to our right and I said,

1 well, you should go that way, and I stepped back and I
2 guided him toward the area that he was going.

3 Q Now, as far as the bank of rooms to the right, you
4 indicated that you were familiar or aware of where Mr.
5 O'Keefe was and where the children were, is that correct?

6 A I know they were on the first floor. I'm not 100
7 percent positive as to where exactly their rooms were.

8 Q If you know, did you know whether or not that Mr.
9 O'Keefe was staying in the same room as (C) and (C)
10 at that point?

11 A I didn't know that they were staying in the same room
12 or not, no.

13 Q So, you point him in that direction and what happened
14 then?

15 A So, I pointed in that direction. He walked off. I
16 continued out to the pool bar when I heard very loudly his
17 name screamed across the lobby very angrily, and it made me
18 stop in my tracks.

19 Q When you stopped in your tracks what happened there?

20 A I started to turn around to come back in, so once you
21 go out to the pool bar you kind of go around a corner and
22 you go out of view, so I turned around to go back in. As
23 I'm going back in I hear someone yell, who the fuck was
24 that?

1 And as I come around the corner I see Mr. O'Keefe
2 walking toward a woman and they were, and he said, excuse
3 me, he said calm down, that's Laura's little sister.

4 Q And what happened then?

5 A When I came back around the corner I said after Mr.
6 O'Keefe said, calm down, that's Laura's little sister, I
7 said, Hi, nice to meet you.

8 That's when Ms. Read's head snapped up and she very
9 loudly loud me told me to go fuck myself across the lobby
10 and I said, yeah, fuck you, too, and walked away.

11 Q And just to be clear, when you say Ms. Read, this is
12 someone that you became familiar with as the trip went
13 along?

14 A This was my first interaction with her. I had never
15 been fully introduced to her at all. I just had seen her
16 sitting by the side of the pool when I had been talking to
17 Johnny earlier in the day.

18 Q The person you know to be Ms. Read, do you see her in
19 the courtroom today?

20 A I do.

21 Q Could you just describe as to where she's seated or an
22 article of clothing that she's wearing?

23 A Sure, she's in a black and white checkered blazer.
24 She's two people in from you.

1 MR. LALLY: I'd just ask the record to reflect
2 identification of the defendant by the witness, your Honor.

3 THE COURT: Yes.

4 MR. LALLY: Thank you.

5 Q As far as Ms. Read was concerned, what, if anything,
6 did you observe as far as the defendant beyond the yelling,
7 what if anything did you observe as far as her demeanor or
8 how she was acting at the time that this interaction was
9 going on?

10 A She was just very loud. She very, you know,
11 energetically screamed for me to go fuck myself. She was
12 waving her hands.

13 Johnny was trying to calm her down and after I
14 said yeah, fuck you, too, I went out to the pool bar so I
15 didn't see much after that.

16 Q And could you hear anything as far as when you were
17 walking out to the pool bar as far as any other
18 conversation between the defendant and Mr. O'Keefe?

19 A Not after that first time, no.

20 Q Now, you go out to the pool bar, and who, if anyone,
21 did you talk to there?

22 A I went straight up to my older sister, Laura, who was
23 out to dinner with the couple the night before and I
24 said --

25 MR. YANETTI: Objection.

1 THE COURT: I'll allow this part.

2 A I went up to her and I looked at her and I said, John
3 O'Keefe's girlfriend. And she looked at me and said,
4 Karen?

5 And I said, yeah, you guys like her? She said, yeah, she's
6 okay. I said, well, she sucks.

7 Q Now, following that particular, at any point in time
8 later that evening, did you see either Mr. O'Keefe or Ms.
9 Read later on that evening?

10 A I did not see them, no.

11 Q When was the next time that you did see them?

12 A I saw them briefly on the 2nd, which was the day that
13 we rented cabanas on the island.

14 Q And when you say you briefly saw them, can you describe
15 that?

16 A So, we had all rented the cabanas. Each family had one
17 or they were sharing one. I was sharing one with my family
18 down at the end. We got about halfway through the day and
19 realized that their family cabana was still empty, so I saw
20 them about halfway through the day when they did come to
21 the cabana and I briefly saw Ms. Read and Mr. O'Keefe at
22 the pool, the island bar that same day, but there was no
23 conversation.

1 Q Now, with regard to Mr. O'Keefe and Ms. Read, at some
2 point in time on that day at the cabanas, what if any
3 conversation did you have with your sister regarding that?

4 A So my --

5 MR. YANETTI: Objection.

6 THE COURT: I don't know what this is.

7 MR. LALLY: May we approach?

8 THE COURT: I'll see you at sidebar quickly.

9 (Sidebar commences:

10 THE COURT: What's your objection, Mr. Yannetti?

11 MR. YANETTI: It's rank hearsay.

12 THE COURT: Okay. So let me hear what it is.

13 MR. LALLY: It's hearsay, but there's an exception to
14 it because I'm not offering it for the truth of the matter
15 asserted. So this is the conversation that Laura Sullivan
16 had with this witness in regard to what Mr. O'Keefe had
17 told her about the defendant's impression of them making
18 out, which I expect her to then (indiscernible) they did
19 not.

20 THE COURT: All right. So this comes in as the same.

21 Do you want that long instruction that I gave on Mr.
22 O'Keefe's state of mind? I'll just say that -- remind them
23 of the instruction that I gave them --

24 MR. YANETTI: That's fine, yeah.

25 THE COURT: So it'll come in.

1 MR. LALLY: Thank you.

2 end of sidebar.)

3 THE COURT: So, jurors, please be mindful of that
4 second instruction that I gave you regarding evidence of
5 statements made by John O'Keefe for the limited purpose of
6 establishing his state of mind. I will fully give you this
7 instruction again at the end of the case. It's the same
8 one that I already gave you. Go ahead, Mr. Lally.

9 Q Now, Ms. Sullivan, with regard to the day at the
10 cabanas did you have some conversation with your sister,
11 Laura, in regard to Mr. O'Keefe and Ms. Read?

12 A I did.

13 Q And what if anything did your sister, Laura tell you
14 she had learned from Mr. O'Keefe?

15 A So my sister pulled me aside from everybody and asked
16 if the night that I got into the altercation with Ms. Read
17 in the lobby if I was making out with Mr. O'Keefe.

18 Q And how did you respond to that?

19 A That I absolutely was not.

20 Q When you say absolutely was not, beyond the fact that
21 it didn't occur, why would that not occur?

22 MR. YANETTI: Objection.

23 THE COURT: I'll allow it.

1 A He was family. He was my older brother. For all
2 intents and purposes it just never would have happened
3 between us.

4 Q And you expressed that to your sister, is that correct?

5 A I did, yes.

6 Q Now, as far as the remainder of the trip was concerned,
7 starting with the defendant, Ms. Read, what if any other
8 interaction did you have with her?

9 A None.

10 Q As far as Mr. O'Keefe was concerned what if any further
11 interaction did you have with him?

12 A None, that was it.

13 Q And was that normal or as far as Mr. O'Keefe was
14 concerned?

15 MR. YANETTI: Objection.

16 THE COURT: I'll allow it.

17 A As far as I knew Johnny, that wasn't normal. He would
18 always come up to us, up to your family, try to be around
19 my nephew, his godchild, and he was always the life of the
20 party and wanted to be around his family and his friends.

21 Q And following that trip in Aruba did you see Mr.
22 O'Keefe again?

23 A I did not.

24 MR. LALLY: I have nothing further, your Honor.

25 THE COURT: All right, Mr. Yanetti?

1 MR. YANETTI: Thank you, your Honor.

2

3 CROSS-EXAMINATION

4 BY MR. YANETTI:

5

6 Q Good afternoon, Ms. Sullivan.

7 A Good afternoon.

8 Q Fair to say that you were not at the Waterfall Bar &
9 Grille on January 28th of 2022 in Canton?

10 A I was not.

11 Q You were not at 34 Fairview Road in Canton on January
12 29th, correct?

13 A I was not.

14 Q Yet Trooper Proctor drove all the way to Pembroke to
15 interview you on February 8th of 2022, did he not?

16 A He did.

17 MR. YANETTI: Nothing further.

18 THE COURT: Mr. Lally, anything?

19 MR. LALLY: Just very briefly.

20

21 REDIRECT-EXAMINATION

22 BY MR. LALLY:

23

24 Q Ms. Sullivan, when Trooper Proctor came to the house in
25 Pembroke were you living there at that time?

1 A I was.

2 Q And was he alone or was he with another trooper?

3 A He was with another trooper.

4 Q Do you recall that trooper's name?

5 A I don't.

6 Q Now, with regard to your conversation with Trooper
7 Proctor and the other trooper that day was it just you that
8 he spoke to?

9 A Just me.

10 Q Well, let me ask it a different way.

11 A Okay.

12 Q As far as when the troopers came to your house on
13 February 8th are you the only person from your home that
14 the troopers spoke to that day?

15 A No.

16 Q Who, if anyone else, did they speak to in the home?

17 A They spoke to my sister first.

18 Q At any point did they speak to your sister's boyfriend,
19 as well?

20 A No.

21 Q And when they spoke to you where was your sister?

22 A She was outside of the house. She went to pick up my
23 nephew.

24 Q And when they spoke to your sister where were you?

25 A I was downstairs in my room which was in the basement.

1 Q And could you hear what they were talking about when
2 they were talking to your sister?

3 A I could not.

4 MR. LALLY: Nothing further.

5 THE COURT: All right, Ms. Sullivan. You are all
6 set. You can step down.

7 Jurors, we're actually finished with witnesses for
8 today. We've finished everyone that we had hoped to finish
9 today for today, so we're done for the day.

10 As you know, we're not in session tomorrow, but we will
11 see you Friday, and Friday will be a full day.

12 So please those three cautions: Do not discuss this
13 case with anyone. Don't do any independent research or
14 investigation into the case. If you happen to see, hear,
15 or read anything about the case, please disregard it, let
16 us know. Just leave everything here, literally,
17 figuratively, clear your heads, and we'll see you Friday
18 morning. Thank you very much.

19 (Jury out.)

20 THE COURT: So hopefully, we will start and finish that
21 one witness on Friday. Will you have a second witness
22 here?

23 MR. LALLY: I'll have at least a couple of other
24 witnesses, Your Honor.

1 THE COURT: It would be great if we could complete the
2 testimony of that one witness for all sorts of reasons.

3 MR. JACKSON: I will do my best. I'm hopeful. I am,
4 I'm hopeful. I think we can do it.

5 THE COURT: Anything I need to look at or anything in
6 particular for Friday?

7 MR. JACKSON: Probably, but I can't think of it.

8 MR. LALLY: May we approach just briefly?

9 (Sidebar commences:

10 THE COURT: And I do know I need that flash drive or
11 whatever the --

12 MR. LALLY: The enhanced video.

13 THE COURT: -- of the car?

14 MR. LALLY: Yes, I actually have a disc over there that
15 I can give to the clerk.

16 THE COURT: Okay. Is there something else?

17 MR. LALLY: So that and -- I was going to raise it with
18 counsel, but I think it makes sense to raise it with the
19 Court as well. It doesn't matter to me one way or the
20 other, but what I notice with regard to Mr. Higgins's text
21 the way that they're downloaded, they're really ridiculous
22 to read, so what --

23 THE COURT: The federal exhibit for the grand jury?

24 MR. LALLY: No, so these were that he had downloaded
25 himself and provided it to the troopers. So that I think

1 comes in as an exhibit, but what I have asked Ms. Gilman to
2 do, and what I intended to use as far as a chalk as far as
3 what would be published to the jury. It also redacts all
4 information (indiscernible), and really all I'm concerned
5 about when it comes to Mr. Higgins that I have is his
6 communications with Mr. O'Keefe and his communications with
7 Ms. Read. So what I had asked and what I have, and I'll
8 give a copy to counsel and I can provide a copy to the
9 Court as well is just essentially it comes in the sense
10 that it's a list of who's talking and the date and that
11 kind of thing, and he can have a copy in front of him as to
12 the time. But looking at those records and all those and
13 trying to figure it out is difficult at best.

14 MR. JACKSON: I have zero problem with that. I just
15 need to see it and compare it.

16 THE COURT: So that would be something for you to
17 handle tomorrow when I'm not here.

18 MR. LALLY: Sure. I can send it to both the Court and
19 counsel.

20 MR. YANNETTI: We might be able to come to an
21 agreement, so.

22 THE COURT: Easy for you to say. You're not examining
23 that witness, right?

24 MR. YANNETTI: We're all working on it, Your Honor.

1 THE COURT: All right. So Friday -- anything -- like
2 it would've been nice to know that his video was contested
3 (indiscernible). So anything like that. All right.

4 MR. YANNETTI: Thank you.

5 end of sidebar.)

6 (Court in recess.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE
TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT I
NEITHER AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF
THE PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN,
AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE
INTERESTED IN THE OUTCOME OF THIS ACTION.

Christine D. Blankenship, February 3, 2025

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